

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR. JUSTICE V.V.S.RAO

WRIT PETITION NO.7523 OF 2004

Between:

Arramreddy Sanjeeva Reddy, S/o.Satti Reddy,

R/o.Kadavendi, Davuruppula Mandal,

Warangal District.

...PETITIONER

And

Passport Officer,

Under Ministry of External Affairs,

Hyderabad.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction especially in the nature of Writ of Mandamus declaring the action of the respondent in not considering the application dt.17.3.2004 for issuing a revised passport with genuine date of birth as 12.12.1954 basing on the date of birth certificate issued by the Head Master, Z.P.Secondary School, Kadavendi and rejecting the same without issuing any order is illegal, arbitrary, contrary to law and violative of Article 14 of the Constitution of India, consequently direct the respondents to issue the revised passport with correct date of birth of

12.12.1954 to the petitioner immediately.

Counsel for the Petitioner: MS. N.S.LAKSHMI

**Counsel for the Respondent: SRI A. RAJASEKHAR REDDY
(S.C. FOR CENTRAL GOVT.)**

The Court made the following:

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.7523 OF 2004

ORDER:

The Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondent in not considering the application dt.17.3.2004 for issuing fresh passport with correct date of birth as 12.12.1954 basing on the date of birth certificate issued by the Head Master Z.P. Secondary School, Kadavendi and rejecting the same, as illegal and arbitrary, and consequently to direct the respondent to issue fresh passport with correct date of birth of petitioner as 12.12.1954.

It is the case of the petitioner that he was born on 12.12.1954. In 1996, he applied for passport and in the application for passport inadvertently he mentioned the date of birth as 2.6.1963. Accordingly, passport bearing No.A1431775 was issued on

20.8.1996 showing his date of birth as 2.6.1963. On 14.1.2004 petitioner made an application to the respondent for correction of date of birth in the passport. The respondent rejected the application for correction of date of birth on 17.2.2004. Hence, the Writ Petition.

Though interlocutory application is listed, with the consent of the learned counsel for the petitioner and the learned Standing Counsel for the Central Government, the Writ Petition itself is heard finally and is being disposed of.

In ***Ali Imran v. Regional Passport Officer, Secunderabad***, I have considered the Circular dated 18-4-2001 issued by the Government of India in the Ministry of External Affairs pursuant to the judgment of the High Court of Judicature at Bombay in Civil Writ Petition No.1072 of 2000. The instructions/clarifications issued in the said Circular read as under.

- a. Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (passport issuing authority) may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
- b. Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.
- c. Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

In view of the above clarifications, I disposed of the said case observing as under.

Be it noted that under the provisions of the Passports Act, 1967, no power is vested in the Regional Passport Officer to correct entries in the passport. However, pursuant to the judgment of the High Court of Bombay referred to hereinabove, it is now permissible for the Regional Passport Officer to accept applications for rectification/correction. Nonetheless, as per clause (c) above, if an entry had been made on the basis of a supportive document issued by one authority i.e., school or educational authority and subsequently the applicant requests for a change of the entry on the basis of the certificate issued by another authority the passport issuing authority is required to direct the applicant to obtain a proper declaration from the civil court.

In this case, the petitioner is not claiming date of birth 12.12.1954 based on any certificate issued by a Statutory Examination Board. He relied on the Study

Certificate and the Transfer Certificate issued by the Zilla Parishad Secondary School, Kadavendi, Warangal District to prove that he was born on 12.12.1954 and they cannot be taken into consideration for proving correct date of birth. Therefore, this case falls under clause (c) of the circular and the petitioner has to approach the Civil Court and obtain appropriate declaration. Liberty is given to petitioner to approach the Civil Court and obtain appropriate declaration regarding the date of birth and then make application to first respondent for correction of date of birth in the passport. In this Writ Petition, no relief can be granted.

The Writ Petition, with the above observations, is disposed of. No costs.

(V.V.S.RAO, J)

2.9.2004

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To

1.The Regional Passport Officer, The Regional Passport Office

Near Clock Tower,

Secunderabad

2. 2 CD copies.